

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/538,953 Confirmation No. 5625
Applicant : Frank SEIDEL
Filed : 03/13/2006
TC/A.U. : 1792
Examiner : Elizabeth A. Burkhart

Docket No. : 011235.56373US
Customer No. : 23911

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed on April 23, 2009, Applicant elects the Invention of Group I, with claims 18-27 drawn to a method, for further prosecution in the above-referenced patent application.

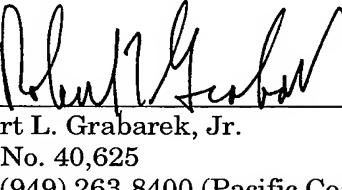
However, Applicant respectfully traverses the Examiner's requirement for restriction. First, the Examiner argues that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1. Applicant respectfully notes that in the PCT proceedings, the claims in the PCT patent application, which have a similar scope to the claims as pending in the U.S. patent application, have not been subject to a lack of unity objection during the International Phase. Therefore, Applicant respectfully submits that the grouped inventions, as argued by the Examiner, cannot be argued to not relate to a single general inventive concept under PCT Rule 13.1 because the PCT examining authority has not made such an objection in the PCT proceedings. Therefore, Applicant respectfully submits that the Examiner is in error in concluding that the claims do not relate to a single general inventive concept under the PCT Rules. As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement.

Secondly, Applicant respectfully submits that the inventions of Groups I and II, as argued by the Examiner, do include a same special technical feature that is not disclosed by the reference to Punola. In both independent claim 18 and independent claim 28, the device for generating the coating gas, which includes the coating granules, is arranged near the workpiece to be coated. Applicant respectfully submits that both independent claim 18 and independent claim 28 claim this special technical feature.

Further, Applicant respectfully submits that Punola, contrary to the Examiner's argument in the Restriction Requirement, does not disclose arranging coating granules near the workpiece. In contrast, any granules in Punola can only be interpreted to be aluminum pellets which are arranged in gas generators 20, 22. As disclosed, a gas is supplied to the generators 20, 22 to flow over the pellets. As can be seen in Figure 1, gas generators 20, 22, which contain the pellets, are not arranged near the workpieces to be coated. Rather, they are arranged external to the reactor 10, in which, the workpieces to be coated are arranged. Therefore, because independent claims 18 and 28 both claim the special technical feature of arranging the device for generating the coating gas, i.e., the coating granules, near the workpiece to be coated, and Punola's pellets are disposed within gas generators 20, 22, and thus external to reactor 10, in which the workpieces to be coated are contained, Applicant respectfully submits that the Examiner is in error when she argues that the inventions of Groups I and II do not contain the same special technical feature. Therefore, for at least this additional reason, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement.

Applicant does not believe that any fees are required in connection with this Paper, however, the Office is authorized to charge any fees required to Deposit Account No. 05-1323 (Docket No. 011235.56373US). The Office is invited to contact the undersigned should there be any questions concerning this Paper.

Respectfully submitted,
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By 

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